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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/410,414	10/01/1999	CHARLES P. THACKER	1018.011US1	6827

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EXAMINER

PAULA, CESAR B

ART UNIT PAPER NUMBER

2178

DATE MAILED: 04/10/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/410,414

Applicant(s)

THACKER ET AL.

Examiner

CESAR B PAULA

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 October 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 18-27 and 29-33 is/are rejected.
- 7) ☒ Claim(s) 15-17, and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. This action is responsive to the application filed on 10/1/99.

**This action is made Non-final.**

2. Claims 1-33 are pending in the case. Claims 1, 6, 12, 20, 23, 26, and 30 are independent claims.

#### *Claim Objections*

3. Claims 18-19 are objected to because of the following informalities: "current line refers to an footnote" (claim 18, L.4). There is an incorrect indefinite article in connection with the word "footnote". Appropriate correction is required.

#### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-14, 20-27, and 30-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Barker et al, hereinafter Barker (Pat.# 4,739,477, 4/19/1988).

Regarding independent claim 1, Barker discloses the division of text into text paragraphs. These paragraphs are flowed around non-textual objects. The paragraphs are flowed, and

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displayed into a new page, if there is an overflow of text (c.12,L.1-67, c.15,L.1-c.16,L.67, fig. 11A-C).

Claims 2-3 are directed towards a method for implementing the steps found in claim 1, and therefore are similarly rejected.

Regarding claim 4, which depends on claim 1, Barker discloses the pouring of text paragraphs into a series of pages organized into at least one column of text. The paragraphs are poured into the pages by assigning page breaks, to accommodate the paragraphs when they overflow page boundaries. This process is continued until all the text is depleted (c.12,L.1-67, c.15,L.1-c.16,L.67, fig. 11A-C).

Regarding claim 5, which depends on claim 4, Barker teaches determining the maximum amount of text which can be fitted, or poured in into a line breaks to form paragraphs, pages-- slots, until all the text lines, columns, and pages have been processed (c.12,L.1-67, c.15,L.1-c.16,L.67, fig. 11A-C).

Claims 6-13 are directed towards a method for implementing the steps found in claims 1, 4-5, 1, 1, 1, 4-5, and therefore are similarly rejected.

Regarding claim 14, which depends on claim 12, Barker teaches determining the maximum amount of text which can be fitted and area limited by margins—*height, and width* (c.8,L.35-67, c.12,L.1-67, fig. 11A -C).

Claims 20-27 are directed towards a computer program product on a computer-readable medium for storing the steps found in claims 1-8, and 4-5 respectively, and therefore are similarly rejected.

Claims 30-33 are directed towards a computer system for implementing the steps found in claims 6, 1, and 4-5 respectively, and therefore are similarly rejected.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 18-19, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker, in view of Chirokas et al, hereinafter Chirokas (Pat. # 5,111,397, 5/5/1992).

Regarding claim 18, which depends on claim 12, Barker discloses the division, and pagination of text into text paragraphs, and pages. (c.12,L.1-67, c.15,L.1-c.16,L.67, fig. 11A-C). Barker fails to explicitly teach *determining whether a current line refers to a footnote; upon determining that the current line refers to an footnote determining whether the footnote has sufficient room on the page to fit, given already filled slots on the page; and upon determining that the footnote has sufficient room on the page to fit, accommodating the footnote at a bottom of a column on the page, decreasing in number slots of the column as required*. Chirokas discloses the pagination of a document by determining whether a line corresponds to a footnote(s), if it does, then determining whether there is available space for the footnote considering the amount of space or lines available in the page. The footnote(s) is placed at the bottom of the page column as the lines are decreasing (c.1, L.27-c.2,L.67, fig. 1). It would have

been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Barker, and Chirokas, because Chirokas teaches above the pagination of footnotes so as to place the references along with the page where they are referenced. Thereby properly laying out the footnotes in the document, along with the layout philosophy taught by Barker.

Regarding claim 19, which depends on claim 18, Barker discloses the division, and pagination of text into text paragraphs, and pages. (c.12,L.1-67, c.15,L.1-c.16,L.67, fig. 11A-C). Barker fails to explicitly teach *upon determining that the footnote has insufficient room on the page to fit, postponing accommodation of the footnote to a next page*. Chirokas discloses the pagination of a document by determining whether a line corresponds to a footnote(s), if it does not, then accommodating the overflow footnotes onto the next page (c.2, L.1-c.3,L.44, fig. 1-4). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Barker, and Chirokas, because Chirokas teaches above the pagination of footnotes so as to place the references along with the page where they are referenced. Thereby properly laying out the footnotes in the document, along with the layout philosophy taught by Barker.

Claim 29 is directed towards a computer program product on a computer-readable medium for storing the steps found in claim 18, and therefore is similarly rejected.

***Allowable Subject Matter***

8. Claims 15-17, and 28 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rivette et al. (Pat. # 5,623,679), Horn et al. (Pat. # 4,709,348), Olson-Williams et al. (Pat. # 6,185,588), Webster (Pat. # 6,374,273), Qureshi et al. (Pat. # 6,456,305), Smith et al (Pat. # 6,175,845), Johari et al (Pat. # 5,911,146), **Wordperfect 6.1 wordprocessing application wrap text feature printout, Corel, p.1, 1996**, and Michelman et al. (Pat. # 6,487,567).

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (703) 306-5543. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186. However, in such a case, please allow at least one business day.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this Action should be mailed to:

Director United States Patent and Trademark Office  
Washington, D.C. 20231

Or faxed to:

- **(703) 746-7238**, (for **After Final** communications intended for entry)

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- (703) 746-7239, (for **Formal** communications intended for entry, **except formal After Final communications**)


Or:

- (703) 746-7240, (for **Informal or Draft** communications for discussion only, please label **“PROPOSED”** or **“DRAFT”** ).

**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).**

*CBP*

4/2/03

  
STEPHEN S. HONG  
PRIMARY EXAMINER